

**REMARKS**

In the office action, claims 1, 2, 4-8, 10, 11, 13-17, 19, 20, 22-26, 28, 30, 32, 33, 35, 37 and 38 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,594,720 (Papadopoulos et al.); claims 39-42 were rejected under 35 U.S.C. §103(a) as being unpatentable over Papadopoulos et al.; claims 3, 12 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Papadopolus et al. in view of Leung (no indication of the patent/application number was provided for the Leung reference); claims 9 and 27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Papadopoulos et al. in view of U.S. Patent No. 5,260,944 (Tomabechi); claim 18 was rejected under 35 U.S.C. §103(a) as being unpatentable over Papadopoulos et al in view of U.S. Patent No. 5,572,516 (Miya et al.); and claims 29, 31, 34 and 36 were rejected under 35 U.S.C. §103(a) as being unpatentable over Papadopoulos et al. in view of U.S. Patent No. 5,148,548 (Meche et al.).

In referenced to revised claims 1-27, (excluding the canceled claims), none of the prior art teaches a system which eliminates uplink communications based on potentially interfering cells and eliminates downlink communications for at least one user using dynamic interfering measurements. This approach allows for greater utilization of cells resources while still reduces the occurrence of lost data due to interference. Papadopoulos et al. discloses the elimination of an uplink time

slot from use in a base station that experiences cross channel interference from a base station using that time slot for the downlink and visa versa for the downlink with respect to a neighboring base station using it for the uplink. The present invention uses a better approach which allows for greater utilization of the cells resources. Even if a neighboring base station is utilizing a time slot for a downlink communication, the cell will utilize that time slot if the dynamically measured interference does not exceed a threshold. This provides for a cell to be able to support more users than as disclosed in Papadopoulos et al. None of the other references disclose such teachings as well. Meche et al. mere discloses comparing interference measurements to a threshold and not on the contrast of the present invention.

With respect to the revised claims 28-42, excluding the canceled claims, the dynamic measured interference levels are used for eliminating uplink and downlink slots providing better utilization of those time slots. To speed up the allocation process an availability list is utilized again to find the available time slots so that faster allocations can be made using the availability list which is derived from the dynamic measurements. None of the prior art discloses this arrangement.

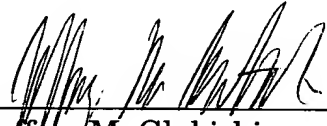
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**Application No.:** 09/910,329

Reconsideration and entry of this amendment is respectfully requested.

Respectfully submitted,

Pan et al.

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